



Oregon Voices  
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Salem, OR 97302

Feb. 5, 2019

House Judiciary Committee

Rep. Jennifer Williamson, Chair

Rep. Chris Gorsek, Vice Chair

Rep. Sherrie Sprenger, Vice Chair

Rep. Jeff Barker

Rep. Janelle Bynum

Rep. Mitch Greenlick

Rep. Rick Lewis

Rep. Mike McLane

Rep. Carla Piluso

Rep. Bill Post

Rep. Karin Power

Testimony regarding HB. 2047

Chair Williamson and members of the committee:

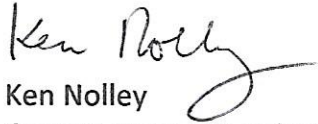
My name is Ken Nolley and I am writing on behalf of Oregon Voices—a group that advocates for evidence-based practices with regard to laws and policies dealing with sex crimes. We understand that federal SONL laws task states with the job of enforcing those laws in their jurisdictions. But those federal laws are built upon the assumption that the population of persons convicted of sex crimes represents a high likelihood of re-offense. The evidence overwhelmingly suggests the opposite. Our response to proposals such as this one are then necessarily complex. Whatever we do here in Oregon will not change federal legislation and the requirements that such legislation places on persons on the registry. But Oregon has committed itself to a risk-based approach to managing its registry and we should not abandon that commitment in dealing with federal requirements.

People on the registry vary greatly, although most are compliant with requirements set on them and few reoffend with another sex crime. A small number do undertake the process of changing their name. Those who do so may not be well-versed in the requirements of the law, including this one. Some are in a position to engage an attorney to manage the process, but registration itself limits most registrant's financial resources and social networks to such a degree that many may attempt it without legal advice. While it is certainly possible that a few registrants deliberately seek to foil registration requirements this way, all of the cases we have seen are of people simply seeking to establish a little distance from the multiple websites which seek to expose former offenders to ongoing ostracism. When someone is discovered on one of those websites, years or decades of responsible living can be wiped out instantly with the consequent loss of a job or housing or both. A change of name is, therefore, most often an attempt to give a measure of stability to the responsible life one is trying to build.

We are concerned that the bill as it stands will not provide any way to distinguish naïve violations from nefarious ones. Certainly we have seen enough instances of aggressive prosecution to be sure that some district attorneys' offices will treat all failures to report as nefarious and seek the maximum prescribed penalties. Why is Oregon even prescribing penalties anyway? Federal law places these requirements on registrants, and those laws include federal penalties. If Oregon feels compelled to provide to gather information on this federal requirement, why can't the bill simply cite the possible federal consequences of failure to register a name change?

Finally, however, we believe that a simple way to prevent persons from ignorantly violating this law, would be to add a provision requiring notification about the law as a part of the process for any request for a change of name. Such an addition would help to prevent violations—both by persons whose motivations are innocent and by those whose motivations are not so innocent. It might even largely eliminate our concerns about penalties.

Sincerely,

A handwritten signature in black ink that reads "Ken Nolley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Ken Nolley  
Oregon Voices Board Member